

21 Edgemont Road
Asheville, NC 28801

1/14/14

Councilman Jan Davis
209 Patton Avenue
Asheville, NC 28801

Dear Councilman Jan Davis:

Re: 21 Edgemont Road – Case No. 13-05762

It is my understanding that short-term rental regulations will be discussed at your Feb. 18th PED committee meeting. As my elected representative, I would appreciate your consideration of how current ordinances and enforcement policies are negatively impacting your constituents.

I moved to Asheville in July 2005. I am a single parent and Asheville homeowner. I am an active member of my community. Here are just a few of the ways I have contributed.

A lead volunteer - Solarize Asheville, Executive Committee Sierra Club, Board Member GPSMNA, Webmaster GPSMNA (Built and maintain neighborhood website), Precinct 2 Chair, Precinct 28 Vice Chair, Member State Executive Committee, Hillary Delegate National Convention 2008, Building Bridges, Literacy Council (taught class at YWCA), taught/tutored Odyssey Middle School, JCC, Isaac Dickson Elementary, Held Oktoberfest fundraiser Susan Wilson, Women to Women, Power of the Purse, CAN, BRSI

I list these activities to bear witness to the fact I care about Asheville, and have given back to my community.

In December 2007, at the height of the housing bubble, I purchased a fixer-upper at 21 Edgemont Rd. Rather than tearing down or adding on, I painstakingly restored the home to its original appearance, while at the same time obtaining an “Energy Star” rating, not easy on an older home. Given the condition of the home prior to my purchase, I don’t think anyone can dispute that my efforts have added value to my street. The home has an accessory apartment, which is primarily used as guest accommodations for friends and family. Unfortunately, the timing was bad, and given the financial impacts I have experienced as a result of the recession, I have found it necessary to find ways to supplement my income. Occasionally renting the apartment certainly helps.

In March 2013, I received a notice of zoning violation for short-term rental use. Asheville continues to use a complaint driven code enforcement policy, which allows for an anonymous complaint by one person, to trigger a violation. Studies have shown that this method of code enforcement does little to address any real issues and allows for abuse by anyone with a hidden agenda and connections. This is certainly true in my case, and unfortunately it’s not the first time. It’s a discriminatory policy at its core.

After receiving the letter, I met with the code enforcement officer and complied with his instructions. At that time, I also requested an application for the “Home Stay” program. Former neighbors on Edwin had done this successfully, and I know at least one home in Montford currently under the program. My home would be perfect for this program, in light of the historical location and my restoration. I was told I couldn’t apply, because my lot was under 10,000 sq.ft., even though I meet the requirements in every other way. Given that I am surrounded and impacted by RM6 properties, this seems unreasonable.

While my home is zoned RS4, the home directly across the street (26) and the large apartment building (30) are zoned RM6. Although I don't recall it being this way before, it now appears that all the single-family homes across the street from me are zoned RM6. Attached, is a picture of the zoning overlay, which shows I am in a small pocket of RS4, surrounded by RM6. The biggest impact on this street is the large apartment building (30), which is not landscaped, and has grossly inadequate parking per number and size of units. With what appears to be somewhere in the vicinity of 45-50 units on two lots, it's hard to imagine it falls within the RM6 parameters. There is also a home on the street with two accessory apartments, both rented long term to a string of troubled tenants. At one point open drug deals and a series of thefts, forced our block to organize to address the issue. This correlates with studies that show, the length of time a property is rented is not the primary factor in negative neighborhood impact. The biggest negative impact by far is absentee landlords and a lack of owner presence and involvement. As this is my home, I am strict about who stays here. It begs the question, just what exactly are these STR ordinances meant to accomplish?

In December, in spite of complying with instructions received from code enforcement, I received a notice of fine, see attached. The notice itself is vague, and I'm still not clear on what exactly I am being fined for. Once again, it was an anonymous complaint. When I asked how it was established, I was told that a vehicle with an out of state license plate was parked in front of my home. Ironically, I have had four abandoned vehicles towed from in front of my house. Vehicles from the apartments are regularly parked there, as there are no street trees on the other side. Many are out of state, not registered, illegally parked, and quite a few looked like they were being lived in. With far more serious neighborhood issues, coupled with the lack of code enforcement resources evidenced in the recent CAN minutes, it's astounding to me that City enforcement resources are being used to target me.

I would like to ask that you consider one or more of these specific actions in regards to my situation:

1. Put a six-month moratorium on the unequal STR enforcement policies, until reasonable short-term rental regulations can be worked out, or the ordinance is revised.
2. Reconsider allowing me to apply for the "Home Stay" program, based on the actual situation on the ground, not a technicality in the code. All Historical downtown neighborhoods should be treated the same in regards to this program.
3. Move quickly to implement STR ordinances that don't put City property owners at a disadvantage. We pay property tax to both the City and County, and the County has eliminated their STR regulations for fewer than five properties.

While this letter focuses on my personal situation, several Asheville property owners, myself included, have done extensive research on this issue. We are in the process of forming an advocacy group and are putting together the pertinent data and recommendations for reasonable STR regulation as it relates to Asheville. We will be happy to provide you and your staff with any information you need to make an informed decision. We contribute in countless ways to Asheville's local economy, and would like our voices to be heard.

Thank you for your time and consideration.

Sincerely,

Anne Marie Doherty

Enclosures (2)